

1 Q Who filed that?

2 A Ah my wife.

3 Q Okay, she filed pro se?

4 A Pro se.

5 Q Okay, did you help her with the drafting of that
6 complaint?

7 A Ah yes.

8 Q Um, was she terminated by Louis Vuitton?

9 A After she filed ah, her complaint with Labor? And
10 denied the position? She was then terminated on a
11 ah, false charge of ah, there was a missing item in
12 the store. So, we pursued it with the police
13 department and they did an investigation, there was
14 no missing item and they ah, basically pinched Louis
15 Vuitton, from what I could gather, for filing a
16 false claim and then Louis Vuitton representatives
17 came out from Hong Kong and met with us and they
18 offered my wife a very reasonable settlement and ah,
19 at that time she was working at PIA and she had no
20 longer any feel about going back to Louis Vuitton,
21 so she got a real satisfactory settlement.

22 Q And then she dismissed her case?

23 A Yes.

24 Q Okay, did that case ever go to trial?

25 A No.

1 Q Okay, um when she worked for PIA, did she go from
2 Louis Vuitton to PIA? Or was this after ah, Grand
3 Hotel and -- and ah--

4 Q Well, there was like a three month gap, ah or two
5 months between Louis Vuitton and PIA? And in that
6 period of time Labor had sent her out on a series of
7 interviews, Grand Hotel and Caronel, and then ah,
8 she was denied so then Labor filed for her and then
9 she worked with PIA then ah, later on, a year later
10 when the cases came up, she just showed up for the
11 hearing and they were fairly quick and then they
12 just ruled on her behalf and offered the position
13 and she had the choice of if she wanted to leave PIA
14 or go with the company and she made the choice at
15 the time to stay with PIA.

16 Q Okay, okay, had she filed any other litigation,
17 besides this employment litigation in '98, '99?

18 A Not to my knowledge.

19 Q Okay. Mr. Angello, have you ever applied to law
20 school?

21 A No.

22 Q Have you ever considered going to law school?

23 MR. AGUILAR: Objection; relevance.

24 MR. SMITH: You can still answer.

25 A Ah, I've been asked if I wanted to go and I said, as

1 soon as I retire, maybe give it some thought, but
2 I've never committed myself to going to law school
3 or, ah.

4 Q Um, and maybe just a final question, is there any
5 one else in your immediate family or ah, immediate
6 circle of friends that you have ah, assisted in
7 filing litigation?

8 MR. AGUILAR: Objection; relevance.

9 MR. SMITH: You can still answer.

10 A I basically just stay -- ah take care of my family.
11 I've had people asked and I would refer them to an
12 attorney, explain to them I'm not ah, licensed to
13 even give out advise, I just direct them towards a
14 ah, an attorney.

15 Q How about any -- do you have any other family
16 members which you have ah, given assistance?

17 A No.

18 MR. SMITH: Okay, and if I may, I know I owe you
19 some documents back, but if I can just hold on to them
20 here since--

21 MR. AGUILAR: Okay, when would they be--

22 MR. SMITH: I will make copies of them after this
23 and then, ah we will give them all back to you.

24 MR. AGUILAR: Okay.

25 Q Um, will you turn to your Third Amended Complaint,

1 um and if we could, I would like to ask you to look
2 at um, paragraph 31. Um, in this paragraph 31 you
3 state that ah, the individuals who engaged in the
4 conduct complained of in this complaint are in such
5 position of authority that their acts constitute
6 their official expressions um, and abuses of such
7 positions of authority. Um, can you explain ah,
8 about whom -- whom you're talking about in this
9 situation?

10 A Individual names?

11 MR. SMITH: Yes.

12 A Barbara Moyer. Um Kenneth Wright. And the Board
13 members at that time, 2002.

14 Q Okay, and how is it that ah, their acts constitute
15 abuses of those positions and authority? Can you
16 explain that to me?

17 MR. AGUILAR: I'm gonna object to the question in so
18 far that it's asking for a legal opinion on this one.

19 A Should I answer?

20 MR. SMITH: Yes.

21 A I believe they ah, without any ah, legitimate study
22 of employees, their positions, what they did there
23 was no desk audit? There's no prior consultation
24 with deans or directors? Ah, prior to September 24th
25 when ah, we were advised, we weren't even advised in

1 the Board meeting on the -- on the 23rd? Ah and --
2 and I believe they ah, conducted a, you know secret
3 or, you know not an open ah, plan to terminate
4 myself and 10 other people, ah and -- and the fact
5 that Board policies, they protected us from the
6 standpoint of ah, they were supposed to be, if they
7 said we were terminated because of finances and then
8 it would be a RIF, reduction in force or reductions
9 in force, ah they are -- they should have a plan
10 that they go, ah why the person is being, you know
11 that position is being reduced?

12 Like in my position, the Director of ah,
13 Vocational Education, they said that it was
14 needless, but later on then they -- so, ah
15 apparently reinstated it because they found out that
16 it was a needed position even by ah, a Board policy
17 and by a--

18 Q Did they reinstate it in the same -- the position
19 you left has been reinstated in its entirety?

20 A Yes, they ah, asked the legal opinion of Mr. Borja
21 and he wrote saying that, you know the legislative
22 statute and the resolution passed by both houses,
23 joint resolution, had ah, put this in black and
24 white, so they appointed Jack Sablan sometime in
25 February of 2003 in my position.

1 Q Have you seen that legal opinion from Jesse Borja?

2 A Yes.

3 Q How did you obtain a copy of that?

4 A It was provided to me ah, by the legislature ah,
5 because they had taken an active in trying to get us
6 reinstated, so they received this documentation
7 because they questioned ah, the college, various
8 questions, but one of them was about the vocational
9 program because of Public Law 10-66 which provided
10 the college ah, over a million dollars in funding
11 for the vocational program. So, in response, they
12 ah, said they do have a vocational program and there
13 was a director of vocational education and he was
14 ah, now Jack Sablan.

15 Q Is this the only policy, this policy that you
16 referred to, is this the only one you believe was
17 violated?

18 A Ah the RIF policy, the ah, WASC (ph.) policies about
19 the ah, you know meeting with staff, going over any
20 types of reorganization. Ah, none of this
21 reorganization ah, was gone over with us as members.
22 Apparently, the president at the time contacted a
23 few inner circle people. Barbara Moyer, ah David
24 Atalig, I believe, and maybe one other person. So,
25 there's no input ah, from us and ah, for a public

1 college institution, ah and the fact that, you know
2 WASC has one of their mandates in their standards
3 that the staff always be informed and they have an
4 active role in these matters and as a director I
5 would have had an active role. And, again, if they
6 told me my position was not needed and I didn't have
7 enough students, et cetera, et cetera, and they had,
8 you know show it to me, black and white, I have to
9 accept it like any other employee and I would fall -
10 - fell into a RIF situation. However, my position
11 as a director, I also was an instructor at the
12 college and under the Board policy, under RIF
13 conditions, I believe ah, directors, administrative
14 people are ah, supposed to be offered any vacant
15 teacher positions, go into teaching ranks and this
16 was not offered to me.

17 Q What -- what um, WASC policy that you're referring
18 to about the staff being informed and -- and an
19 active--

20 A The standards of ah -- there's four standards now?
21 And they ah -- and it's standard, maybe 4? Which
22 talks about -- I think there's two standards,
23 standard -- I can't recollect, but there's a
24 standard on ah, staff, personnel, and ah,
25 maintaining the resources of the college.

1 Q And those standards require before any
2 reorganization?

3 A Yes.

4 Q That the staff is consulted and um--

5 A Yeah, they ah, like Agnes did in 1998, I believe
6 during the reorganization, yeah, each department had
7 what was going to be changed and ah, who would be
8 affected, what would be affected? And it went
9 through like, I believe a three-month process and
10 then once it was ah, finalized with all the staff
11 input, it was then presented to the Board in an open
12 fashion and then the Board ah, approved it.

13 And, so when we heard of reorganization in 2002
14 with the new president, we were waiting for the same
15 process and then, out of the blue, on a Friday,
16 September 21st, I believe we were first informed that
17 a reorganization plan would be shown to us on the
18 23rd. That was the first. And we were in a -- I was
19 in a dean's meeting with other directors, so we were
20 all, sort of you know, flabbergasted that we had
21 never seen this and we asked to see it that day, but
22 it was like 4:00 in the afternoon, they said you'll
23 see it Monday and then it was announced at the same
24 time there would be a Board, special Board meeting,
25 ah it turned into a regular Board meeting, I guess,

1 normally they're held on Fridays, but ah, suddenly
2 there was a Board meeting announced that same week
3 and then ah, we walked in and looking at the agenda
4 of the minutes and we saw this reorganization as one
5 of the items and I think the rest you know what
6 happened.

7 Q You mentioned that you had seen this before with
8 President Agnes McPhetres, um had you seen this any
9 other time during any other reorganizations?

10 A We only had one major reorganization with Agnes in
11 1998, '99, I believe?

12 MR. SMITH: Okay.

13 A And I started in '96.

14 MR. SMITH: Okay.

15 A I think there wasn't one prior to my time.

16 Q This is the only second reorganization, the one that
17 impacted you?

18 A Yes.

19 Q That you're aware of?

20 A Yes.

21 Q Okay, um did ah...[long pause], did you know that
22 the president had the authority to hire and fire
23 employees?

24 A Ah from policies that we read, ah we knew he had an
25 authority as the executive officer under the ah,

1 Board policy I think 1009, Part L, it says he can
2 hire and fire. Um even the statute said he can hire
3 and fire, but the statute also says with prior Board
4 approval, especially directors, deans, ah it was
5 normally a given from what we've been ah, you know
6 from the Board policy and what we have seen in the
7 past, that normally the Board personnel committee
8 would be notified and they would have input ah,
9 because it does change the programs' planning, ah
10 especially like myself, I was almost seven years
11 into programs and had active programs ongoing? It
12 was in the middle of the semester? To be honest
13 with you, it was a shock.

14 Q Um, did ah -- do you know if there was a ah,
15 practice or custom at NMC for the president to just
16 hire and fire without even getting Board counsel, in
17 instances?

18 A All the experiences that I knew of, a lot of it was
19 with Agnes, and any time there was a person who was
20 a subject of maybe a change of status, she always
21 had meetings ah, with the person and other staff and
22 she would ask and, like I said we had meetings and
23 ah, she would try to solve it, the person maybe
24 transferred to another area or ah -- or, you know
25 advise them, maybe they should move on, him or her.

1 Like I said, we were used to it being done in a both
2 professional and both a, ah humane way under Agnes.

3 Then after that, of course, we had a temporary
4 president with Jack Sablan and he, too, ah was open
5 about it because I had a real situation with the
6 Pacific Rim Academy program where Mr. Wolfe had
7 retained an attorney and the attorney wrote a letter
8 to the college and I was brought because I was in
9 charge of the program and ah, advised the president
10 that even myself I was considering filing ah,
11 because my program and my status was being affected
12 severely and we had a very open meeting. He called
13 in ah, Mr. Propst and we settled it there and he set
14 up a plan and we went on with the program, so
15 whenever we had a chance and, again, with Agnes and
16 Jack Sablan, it was always open and handled in a
17 fair manner.

18 Then, I would say, it abruptly changed when
19 Barbara Moyer was the interim president for a short
20 period of time, suddenly the door closed and we were
21 ah, basically shut out.

22 Q Do you believe that ah, that was the -- ah, the way
23 that Agnes, the way that Mr. -- that President
24 Sablan had done it, that was the only way that ah,
25 those type of measures could be done?

1 A Well, I think they complied with Board policy that
2 ah -- and also WASC. Agnes was very -- she was very
3 knowledgeable about WASC standards. She's always
4 brought these matters up, that ah personnel changes,
5 especially ah -- ah any changes, should be brought
6 up to the staff to be, you know for the impact, ah
7 what it does to programs, do this, et cetera, et
8 cetera. I mean, again, they're Board policy, WASC
9 standards and she complied with those.

10 Q If we can go to paragraph 32, can you explain how
11 all conduct complained of was done knowingly,
12 willfully, maliciously, and in disregard to your ah
13 -- to your rights?

14 MR. AGUILAR: Again, I'm just gonna object as to
15 requiring -- the ans -- the answer requires a legal
16 opinion.

17 Q But you -- you did draft this complaint, correct?

18 A Yes.

19 Q You did make this allegation yourself?

20 A Yes.

21 Q Okay, can you explain to me what -- what you meant
22 then by that?

23 A Ah, well, the Board members and the president, ah
24 they knew the policies. Ah, and even with knowing
25 the policies, because I asked the president at one

1 point in discussions of ah, vocational programs, he
2 was new, on board a couple of weeks, and I ah,
3 explained to him about Public Law 10-66 and the
4 money, the funding? And he made a comment that he
5 really doesn't ah, care about local laws and I asked
6 him to explain that and he made ah, disparaging
7 remarks about, well, they're local people up there
8 running these laws and I've heard it's sort of a ah,
9 you know who cares. So, I objected to him in a
10 constructive way that, you know being an outsider
11 myself, that it's best that he respect these laws
12 and ah, comply with them and his attitude was, he
13 could do whatever he wanted to do.

14 Q And, who was this?

15 A President Wright.

16 MR. SMITH: Okay.

17 A And this carried over to even a meeting that I had
18 with President Wright with Butch Wolfe and ah, Eric
19 Plinsky (ph.), where he had the same attitude of
20 just do what he'd like -- what he wanted to do and
21 ah -- and the vocational program financially was on
22 its own and that's when I brought up, could I have
23 his permission to seek financial aid on my own
24 because I knew I couldn't do it without the
25 president's approval because it's not proper to ah,

1 seek financial aid for the college unless you went
2 to the president's office, so--

3 Q That um--

4 A Anyway, he -- he knew of these things and, from my
5 standpoint, knowing them and this -- this attitude
6 of arrogance, ah carried over that what he did, in
7 my feeling, was malicious -- done in a malicious
8 manner.

9 MR. SMITH: Okay, hold on one second.

10 OFF/ON RECORD

11 MR. SMITH: Thank you very much. So, ah we're back
12 on, ah with this explanation you've just given me, are
13 you talking about then the disregard of your ah, local
14 rights? Not your federal rights? Is that what you're
15 referring to in this ah, 32, because you're talking about
16 his disregard for the local laws?

17 A Well, it carried over to ah, the fact that he did
18 not discuss our positions or our ah, you know
19 employment, ah without any type of due process,
20 without following Board policy which, of course,
21 carries over into federal ah, statutes about, you
22 know your property interests, right to employment,
23 ah--

24 Q Did he ever say he intended to violate or ignore
25 federal statutes and federal ah, law?

1 A He didn't say by word that he would violate, but in
2 his actions and what he was saying, they were in --
3 they're in violation of federal statutes and
4 constitutional rights.

5 Q Did you explain that to him? That that's -- you saw
6 that correlation between local and federal?

7 A I explained to him it was across the board, you know
8 I just mentioned from the standpoint of that the
9 local laws here ah, were based on ah -- modeled from
10 California State law which, of course, then ties in
11 with federal law and ah, because I was trying to
12 give him a history. I've been here for, like 24
13 years at that point and ah, I had seen people come
14 in with a full tank of gas and rearing to go and ah,
15 you know I was trying to advise him ah, from the
16 standpoint of ah, he had an important position and
17 to observe and to ah, you know -- you know, in
18 management you observe for at least six months and
19 then you can fine tune and make your changes? Ah,
20 that's what ah -- ah I did in my own position when I
21 was hired as director of vocational education ah,
22 and it worked out well with my staff because I had
23 to go report to my staff.

24 Q So, are you stating that you are entitled, with this
25 paragraph 32, that you're entitled to punitive

1 damages because he basically said, I heard people up
2 on the hill um, you know the local laws, they don't
3 matter, or whatever that statement was that you
4 earlier stated, that's why, because of those
5 statements from him, that's why you're entitled to
6 punitive damages?

7 A And other actions. Ah--

8 Q What other actions?

9 A Terminating ah, my position when it was a position
10 that was listed on the Board ah, you know policy? I
11 mean, he didn't even have the courtesy or to present
12 it to the Board to have that removed? Beforehand
13 which should have been done? I mean, there's
14 policies, there's procedures you take. I mean ah --
15 ah when you see your position on the Board and it's
16 approved, I know there's a process it has to go
17 through, you know published, you know to be
18 promulgated and which they did in two thousand, I
19 believe three, they went ahead the first time to try
20 to do Board policy changes and ah, I just checked
21 recently, I don't know if they were ever approved or
22 not, but they tried to overhaul especially his
23 section on how he could hire and fire, they removed
24 that, you know prior to Board approval, ah section.
25 So, I know it was they realized that they wanted to

1 get that out of the way so he could hire and fire
2 without even consulting the Board. So, to me, it
3 was ah -- ah an exercise in ah, disregard for
4 people's rights and privileges, both state and
5 federally, and he professed to be a very educated
6 person around the world that he was knowledgeable of
7 these things, so I wasn't gonna sit there and, you
8 know itemize that this is a federal law, this is
9 federal, I figured he knew this as a manager,
10 especially the college president.

11 And his actions then were later condoned by the
12 Board and acknowledged by the Board and by the fact
13 they didn't disapprove them, they approved them and
14 that they were in collaboration in this process of
15 ah -- and on top of it, the fact that they
16 completely disregarded my grievance in 2001 for over
17 a year and ah, it just creates a lot of stress,
18 undue stress? And, all I wanted was it to be
19 resolved.

20 And, if I had filed a frivolous grievance, ah
21 then I could be held, ah you know, I should have
22 been fired, in my estimation, with cause, but the
23 '99, '98, it was resolved in a favorable manner and
24 the 2001 they never did. When it finally was
25 brought to a hearing, it was two days after I

1 finished my employment which I thought was cute on
2 their part, so. And I wasn't allowed to bring these
3 grievances up any more.

4 So, again, ah this -- these type of actions
5 should warrant some type of punitive damage so it
6 would not happen again to anybody.

7 Q Um, paragraph 35 of your complaint, you talk about
8 several successful programs that you implemented.
9 Um, maybe we can start with NMC's 2+2 program. Are
10 you the sole individual responsible for that
11 program?

12 A At the time of its ah, creation? Um, Dean
13 Klingbergs, we were in a meeting and asked -- it was
14 on -- on the table for about six months, I guess,
15 and ah, nobody was taking any action, so I said I
16 would plan and implement the program within three
17 months, and this was the Fall of ah, '96 or '97,
18 possibly and ah, since I had no secretary or
19 administrative officer? Um, I -- and there's a
20 letter that I received later that mentioned the fact
21 that this program was ah, finally implemented by
22 basically myself, of course through support of other
23 staff members, you know getting things signed off,
24 what not.

25 So, we started it in the -- in the Spring of

1 ah, either '98 or '99 in a little house behind the
2 college, a little white house I renovated, because I
3 had a vocational program so that could help, so we
4 renovated the house and ah, started the 2+2.

5 At a later date it was moved because I
6 explained that this program should be in the adult
7 education department? So it was moved over to ah,
8 Fe Calixterio's division? And, ah I continued as an
9 adviser and an instructor for the program.

10 And then later, it then developed further, a
11 step further to the AVI (ph.) program at the high
12 school on Saipan.

13 Q And was that you shepherding that through all of
14 those stages?

15 A I went, from the time I transferred over to the
16 adult ah, education department? And then the AVI
17 people, I knew the people who started the program
18 and they ah, talked to me about it and I said, well,
19 legally, it would have to be signed off or done
20 through the adult education, I was in vocational, so
21 I just did behind the scenes, ah help. And, every
22 year AVI, they invite me to the graduation as ah, a
23 ah, I feel honored to be there, ah.

24 Q But the -- so, initially, its initial establishment,
25 it was you and a few staff?

1 A Like admissions, you know other staff that you would
2 have to submit papers. I just didn't do everything,
3 of course not, but from the standpoint of inside an
4 office, I was it. From the standpoint there was no
5 other bodies at that time.

6 Q How about NMC's adult school, are you--

7 A Excuse me, ah the adult school is the one I just
8 mentioned or explained about, the adult school.

9 MR. SMITH: Okay.

10 A Sorry about that.

11 MR. SMITH: Okay.

12 A The 2+2 plus was a program that the college had in
13 1992 with the high school's concurrent, high school
14 - college program. Ah junior, senior year of high
15 school, they start taking college courses and they
16 get credit both in high school and in college
17 concurrently. That program in 1992 ah, fell apart
18 ah, lack of management, and then in 1997 or so, Dean
19 Klingbergs gave me the program to see if I could ah,
20 implement it and it took approximately six months to
21 ah, drafting all the ah, letters to PSS, meeting
22 with them, through Agnes, and creating an MOU ah,
23 that created the 2+2 program with -- with the PSS,
24 Public School System.

25 Q Does anyone else deserve credit for that? Or is

1 that solely your program.

2 A Again, I was it in my office, so I did probably 95%
3 of the paperwork and moving things around. Ah, I
4 would give Agnes, ah credit from the standpoint she
5 always arranged appointments and got things, open
6 doors for me? And made sure PSS was available and
7 ah, she always made herself available, but the, you
8 know the inner trenches work I did the majority and,
9 of course, other staff members in other departments
10 who had to do things, you know they did their ah,
11 part as, you know the college process.

12 Q How about the Department of Corrections program?

13 A This, again, I -- I began this program because I saw
14 the need, I visited the court -- courtroom one day
15 and Judge Manibusan, ah I could see he had problems
16 about young people getting into ah -- ah programs
17 rehabilitation, so I went back to the college and I
18 presented a plan that we could ah, use the student -
19 - ah, incarcerated inmates and we started with ah,
20 DOC.

21 There's a program, it's like a halfway house
22 where they're not violent criminals, they were
23 involved in like drug, minor drug offenses, things
24 like that, so we presented the program and the
25 counselor liked it and I came back to the college

1 and -- and these programs, I had to bring to the
2 Board, ah and I did bring them to the Board.

3 Q And they did not exist prior to you doing that?

4 A The 2+2 again it existed in '92 for a short period
5 of time. I remember I was a Tinian High School
6 principal and somebody had come over and said we
7 thought about -- we're gonna start this, but before
8 it even started there was a problem on ah, between
9 PSS and NMC about ah, transportation or something,
10 so they killed it and then, ah in 19 -- again '97,
11 ah I -- it was re -- restarted.

12 The adult school had never been ah, started the
13 first time because the program that was brought out
14 of Hawaii?

15 Q You brought it out?

16 A No, it was brought out by a ah -- actually Tony
17 Pellegrino who was -- was a PSS Board member? And,
18 ah he was a member of this task force that have been
19 meeting for about six months? So, ah I just became
20 the point person and ah, I put it -- put it all
21 together. He provided ah, I think it was ah,
22 through the Chamber of Commerce, if I believe
23 correctly, they provided some seed money for the
24 program.

25 The Corrections program is new. It hadn't been

1 done before. The--

2 Q And that was your idea?

3 A Yeah. DYS is new and the film and TV program was a
4 joint new program brought on by Mr. Wolfe and
5 myself.

6 Q What -- let's go back to the DYS program, say that
7 again? What was that?

8 A It was a similar program that I began ah, with DYS--

9 Q That's similar to the D -- Department of
10 Corrections?

11 A DOC, yes.

12 Q Okay. Again, that was your idea?

13 A Ah, yes, basically. Ah, and, of course, ah having
14 Lino Santos work for me who -- who explained to me
15 that he went to the Job Corps because I was involved
16 in trying to get the Job Corps on Saipan and ah, the
17 Governor at the time provided myself and Congressman
18 Rosiky Camacho, ah fly back to D.C. and we met with
19 the Job Corps people and they explained that the
20 CNMI and a few other places were put on a restricted
21 list because of problems with the financial
22 situation. So, I figured, well if the Job Corps --
23 we could try to start something and, ah the
24 apprenticeship program wasn't working here because
25 we didn't comply with the federal minimum wage, so

1 ah, I figured we just start our own programs and ah,
2 utilize some of their, you know their intent, what
3 they wanted to do and I felt that prisoners, DYS,
4 after visiting ah, the jails and the ah, detention
5 center, I saw these people sitting there ah, eager
6 to do something and frustrated, so. These programs,
7 to me, was very successful, ah anyway.

8 Q How many -- these programs you list, 1, 2, 3, ah 4,
9 5, 6, 7 programs in this paragraph 35, how many of
10 them are still ongoing?

11 A 2+2 is ongoing, the adult school is ongoing, ah
12 Corrections program is ongoing, DYS I believe it's
13 on hiatus, um I -- I can't say for sure.

14 MR. SMITH: Okay.

15 A Ah film and TV, of course, is ongoing.

16 Q International program? What's that?

17 A That was the Pacific Rim Academy, ah program that
18 was renamed later as Pacific Gateway?

19 Q Okay, it's related to the film and TV program?

20 A Well, and also vocational. We had a lease agreement
21 that ah -- part of the lease between Talk Story
22 which is Pacific Rim Academy and the college was
23 that we had a two-tiered program, one was the local
24 training of young people in film and TV and
25 computers we're gonna branch out, but the second

1 part was the international program, bringing in
2 students from overseas to train them in film and TV
3 and ah -- and English language. And this was
4 blessed by Agnes because she had the stream of the
5 English part, ah helping students in creating this
6 school for international students also, so.

7 Q Um in paragraph 37 you alleged that your evaluations
8 were always above average and satisfactory? On what
9 basis do you make that claim?

10 A On I have my copies of my evaluations.

11 Q And, what do they say?

12 A They have--

13 Q Are they just check boxes?

14 A Yeah.

15 Q Above average? Satisfactory?

16 A Basically, yeah. It's not a -- we don't have an
17 elaborate evaluation, just ah, maybe four different
18 areas and I think it was, yeah, above average,
19 average, ah below average and ah, mis -- I don't
20 know if it's miserable.

21 Q Loser?

22 A Yeah, something to the effect that--

23 Q Are you aware if ah -- if anyone ever received less
24 than satisfactory evaluations at NMC?

25 A I have not seen any evaluation with that on there,

1 so ah, I cannot make a ah, accurate--

2 Q Okay, in paragraph 9 you claim that your '99
3 grievance against Moyer was resolved in your favor.

4 Um, we discussed this briefly last time, but um, was
5 your claim in fact against Moyer? Or was it against
6 and resolved by the college, against the college and
7 resolved by the college?

8 A Well, the college and Barbara Moyer being in upper
9 management is one, you know the same. My -- it was
10 a claim -- a grievance against Barbara Moyer as an
11 individual, but as a representative of the college
12 and so I filed a ah, complaint grievance and even
13 included the EEO from the standpoint of ah, memos
14 that generated, other people encouraging me to stand
15 to her ah -- ah somewhat ah, corrosive attitude
16 towards ah, especially men.

17 Q And, on what basis then do you believe it was
18 resolved in your favor? That's the basis of the
19 settlement that we -- that ah, you presented or we
20 discussed last time? The two-page settlement
21 document?

22 A Yeah, I met with Agnes and ah, she included, there
23 was a ah, matter of ah -- ah some payroll that was
24 denied me. Of course, it had gone through, I
25 believe, Barbara Moyer, it was denied and she wanted

1 to resolve that, you know everything at one time and
2 so she resolved the pay issue and then ah, she asked
3 about the Barbara Moyer situation, I said if -- if
4 there would be no retaliation in the future against
5 me? And that she would receive some type of ah,
6 sexual harassment training and then, like I said
7 earlier that was incorporated, it says male and
8 female, speaking with Kohne and the fact that my
9 complaint was against Barbara Moyer, she was aware,
10 we had a meeting about this and it was discussed
11 that it was a known fact that she ah, was being
12 pinched for this and so, the sexual harassment
13 training, of course, would be directed towards her
14 even though her name was not on the ah, settlement
15 document.

16 Q Okay, and on what basis do you claim that the
17 training never took place that was supposed to come
18 out of that settlement?

19 A Up until the time of the settlement and until when I
20 left, ah there was no sexual harassment training
21 scheduled that ah, was aware of. Normally these are
22 published and they're planned and we are directly
23 involved.

24 Q Was this supposed to be a specific sexual harassment
25 training?

1 A Yes. Yeah.

2 Q Um and on what basis do you claim that the Board of
3 Regents were knowledgeable about this lack of
4 training?

5 A As you can see in the memo that I presented, it was
6 received by the, both the president's office and the
7 Board of Regents, it's over 300 pages long and it
8 has a series of memos that were always CC'd to the
9 Board members. Ah and ah, they were always given
10 copies and they were -- these issues are brought up
11 and even, I think, in the OP report later they
12 mentioned about the ah, being bothered by grievances
13 that were being filed, but I can't say if -- they
14 had no name in there, but I'd have to assume that
15 they were aware of grievances being filed.

16 Q Were you aware that there is regular EEOC training
17 going on at the college campus?

18 A We had -- we had ah, at times training of EEOC.

19 Q But the training that your -- that you believe was
20 to have taken place is addition to that regular
21 training?

22 A Yes, the sexual -- for females. Because it's quite
23 unique because Hawaii, ah asked what I wanted and I
24 said I wanted ah, normally the harass -- sexual
25 harassment are for males because of the higher

1 incident of cases of males harassing females, so ah,
2 I knew it was somewhat unique, but ah, there are
3 cases of it being turned around and so -- and so
4 this type of training was never ah, presented, that
5 I know of.

6 Q In paragraph 40 you claim that the Board of Regents
7 was advised of your ah, follow-up grievance? On
8 what bases do you make that claim?

9 A On the fact that they ah -- the special assistant
10 for the Board had received my ah, memos and I always
11 asked later did they receive them and he said they
12 received them and they were -- ah, they were under
13 advise with them.

14 O What -- what did you take that to mean?

15 A Well, what happened, what I found out through a memo
16 that was given to me by ah, Vince Merfalen that ah,
17 it was first directed to the President, Jack Sablan
18 at the time I believe and he wrote to the effect
19 that ah, this would be taken care by the Dean's
20 level and ah, then I wrote a counter-memo stating
21 this had already gone through the Dean's level and
22 we're now at the next step of the Board policy, at
23 the president's level, and if I wasn't satisfied at
24 that level, then it would go to the Board level.

25 So, I think from ah, people knowing me ah, I am

1 -- I am very heavy in paper trails in -- in
2 submitting documents and getting things received,
3 signed off, so people are fully aware of what I do.
4 Sometimes, to them, it's a burden or a pain, but
5 that's just the way I do things.

6 Q Why do you do it that way?

7 A Say -- do what way.

8 Q Do you do it that way with -- with an eye towards
9 future litigation?

10 A No, it's just a matter of ongoing ah, programs that
11 -- because as a manager director, you go into
12 meetings and ah, and the fact that I was the
13 Chairman of the Academic Council and I had some
14 pretty high positions and -- and there were several
15 times when people said I never gave them
16 documentation and I'd always pull out a copy that
17 was received by their secretary, then at that point,
18 you know it changed from them not receiving it to
19 let's get on and get the problem solved.

20 MR. SMITH: Okay.

21 A So, it's just basically that ah, you know it's a
22 doggy -- dog world sometimes and ah, if a person is
23 put on the spot, I think they would sometimes say, I
24 never received it, you know it's a natural thing.

25 Q You also talk in paragraph 41 of a subsequent